

## Article - Environment

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§6–801.

- (a) In this subtitle the following words have the meanings indicated.
- (b)
  - (1) “Affected property” means:
    - (i) A property constructed before 1950 that contains at least one rental dwelling unit;
    - (ii) On and after January 1, 2015, a property constructed before 1978 that contains at least one rental unit; or
    - (iii) Any residential rental property for which the owner makes an election under § 6–803(a)(2) of this subtitle.
  - (2) “Affected property” includes an individual rental dwelling unit within a multifamily rental dwelling.
  - (3) “Affected property” does not include property exempted under § 6–803(b) of this subtitle.
- (c) “Change in occupancy” means a change of tenant in an affected property in which the property is vacated and possession is either surrendered to the owner or abandoned.
- (d) “Child” means an individual under the age of 6 years.
- (e) “Commission” means the Lead Poisoning Prevention Commission.
- (f)
  - (1) “Elevated blood lead” or “EBL” means a quantity of lead in blood, expressed in micrograms per deciliter (µg/dl), that exceeds the reference level specified in this subtitle and is determined in accordance with the following protocols:
    - (i) A venous blood test; or
    - (ii) Two capillary blood tests taken in accordance with paragraph (2) of this subsection.
  - (2) If the capillary blood test method is used, an individual shall:

and (i) Have a first sample of capillary blood drawn and tested;

(ii) Have a second sample of capillary blood drawn and tested within 84 days after the first sample is drawn.

(3) If the result of one capillary blood test would require action under this subtitle and the other result would not, an individual's elevated blood lead level shall be confirmed by a venous blood test.

(g) "Exterior surfaces" means:

(1) All fences and porches that are part of an affected property;

(2) All outside surfaces of an affected property that are accessible to a child and that are:

(i) Attached to the outside of an affected property; or

(ii) Other buildings and structures, including play equipment, benches, and laundry line poles, that are part of the affected property, except buildings or structures that are not owned or controlled by the owner of the affected property; and

(3) All painted surfaces in stairways, hallways, entrance areas, recreation areas, laundry areas, and garages within a multifamily rental dwelling unit that are common to individual dwelling units and are accessible to a child.

(h) "Fund" means the Lead Poisoning Prevention Fund.

(i) (1) "High efficiency particle air vacuum" or "HEPA-vacuum" means a device capable of filtering out particles of 0.3 microns or greater from a body of air at an efficiency of 99.97% or greater.

(2) "HEPA-vacuum" includes use of a HEPA-vacuum.

(j) "Lead-based paint" means paint or other surface coatings that contain lead in excess of the maximum lead content level allowed by the Department by regulation.

(k) "Lead-contaminated dust" means dust in affected properties that contains an area or mass concentration of lead in excess of the lead content level determined by the Department by regulation.

(l) “Lead-free” means at or below a lead content level deemed to be lead-free in accordance with criteria established by the Department by regulation.

(m) “Lead-safe housing” means a rental dwelling unit that:

(1) Is certified to be lead-free in accordance with § 6-804 of this subtitle;

(2) Was constructed after 1978;

(3) Is deemed to be lead-safe by the Department in accordance with criteria established by the Department by regulation; or

(4) Is certified to be in compliance with § 6-815(a) of this subtitle and:

(i) In which all windows are either lead-free or have been treated so that all friction surfaces are lead-free;

(ii) In which lead-contaminated dust levels are determined to be within abatement clearance levels established by the Department by regulation, within a time frame established by the Department by regulation; and

(iii) Which is subject to ongoing maintenance and testing as specified by the Department by regulation.

(n) “Multifamily rental dwelling” means a property which contains more than one rental dwelling unit.

(o) (1) “Owner” means a person, firm, corporation, guardian, conservator, receiver, trustee, executor, or legal representative who, alone or jointly or severally with others, owns, holds, or controls the whole or any part of the freehold or leasehold interest to any property, with or without actual possession.

(2) “Owner” includes:

(i) Any vendee in possession of the property; and

(ii) Any authorized agent of the owner, including a property manager or leasing agent.

(3) “Owner” does not include:

(i) A trustee or a beneficiary under a deed of trust or a mortgagee; or

(ii) The owner of a reversionary interest under a ground rent lease.

(p) “Person at risk” means a child or a pregnant woman who resides or regularly spends at least 24 hours per week in an affected property.

(q) “Reference level” means:

(1) Except as provided in paragraph (2) of this subsection, the blood lead reference level as determined by the Centers for Disease Control and Prevention on or after October 1, 2019; or

(2) Beginning 1 year after the date that the Centers for Disease Control and Prevention revises the blood lead reference level until 1 year after a subsequent revision, the revised blood lead reference level as determined by the Centers for Disease Control and Prevention.

(r) “Related party” means any:

(1) Person related to an owner by blood or marriage;

(2) Employee of the owner; or

(3) Entity in which an owner, or any person referred to in paragraph (1) or (2) of this subsection, has an interest.

(s) “Relocation expenses” means all expenses necessitated by the relocation of a tenant’s household to lead–safe housing, including moving and hauling expenses, the HEPA–vacuuming of all upholstered furniture, payment of a security deposit for the lead–safe housing, and installation and connection of utilities and appliances.

(t) “Rent subsidy” means the difference between the rent paid by a tenant for housing at the time a qualified offer is made under Part V of this subtitle and the rent due for the lead–safe housing to which the tenant is relocated.

(u) (1) “Rental dwelling unit” means a room or group of rooms that form a single independent habitable rental unit for permanent occupation by one or more individuals that has living facilities with permanent provisions for living, sleeping, eating, cooking, and sanitation.

(2) “Rental dwelling unit” does not include:

(i) An area not used for living, sleeping, eating, cooking, or sanitation, such as an unfinished basement;

(ii) A unit within a hotel, motel, or similar seasonal or transient facility;

(iii) An area which is secured and inaccessible to occupants; or

(iv) A unit which is not offered for rent.

(v) “Risk reduction standard” means a risk reduction standard established under § 6–815 or § 6–819 of this subtitle.

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